

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 NOV 13 AM 10:08

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Jose DURAN-Flores)
)
Defendant.)
_____)

Magistrate Case No. 07 MJ 2647

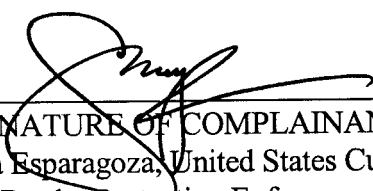
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation


The undersigned complainant being duly sworn states:

On or about **November 10, 2007**, within the Southern District of California, defendant **Jose DURAN-Flores**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 13th DAY OF
November, 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT


I, United States Customs and Border Protection (CBP) Enforcement Officer Eric Neddermeyer, declare under penalty of perjury the following to be true and correct:

On November 10, 2007 at approximately 2221 hours **Jose DURAN-Flores (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry pedestrian primary lanes. A Customs and Border Protection (CBP) Officer received a negative declaration from the Defendant. Defendant presented no form of identification and orally stated to CBP Officer that he was a United States citizen by virtue of birth in Puerto Rico. Defendant was referred to secondary inspection.

During secondary inspection Defendant was queried by fingerprint and photograph submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration Service records checks, including Deportable Alien Control System (DACS) and Central Index System (CIS) identify Defendant as a citizen of Mexico and previously deported alien. DACS information indicates that on or about **November 29, 2004** an Immigration Judge ordered Defendant removed from the United States and Defendant was summarily removed to Mexico. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

EXECUTED ON THIS 11th DAY OF November 2007 AT 1250 hours.


Eric Neddermeyer / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **November 10, 2007** in violation of Title 8, United States Code, Section 1326.


UNITED STATES MAGISTRATE JUDGE

11-11-07 @ 5:15pm
DATE / TIME